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IN THE SUPERIOR COURT, THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCONINO

STATE OF ARIZONA,

Plaintiff,

vs.

TIMOTHY MAX DURAN,

Defendant.

Case no. CR2019-00338

**STATE'S MOTION FOR USE OF
FACILITY DOG AT TRIAL**

(PROPOSED ORDER ATTACHED)

The Honorable Dan Slayton
Division 2

The State of Arizona, by and through the undersigned deputy, moves this Court for an Order allowing the minor victims' use of a facility dog, Fanta, during the jury trial in this case scheduled to start on October 19, 2021. This Motion is made pursuant to A.R.S. § 13-4442(A).

A.R.S. § 13-4442(A) states that the Court may allow a facility dog to accompany a victim who is under eighteen years of age while testifying in Court. This has been a traumatic situation for the victim and the State believes that Fanta's assistance will minimize the minor victims' anxiety and stress while she participates in this case. For all of the above stated reasons, the State moves this Court for the use of the facility dog at the trial in this case. The State defers to the Court and requests its guidance regarding where the facility dog shall sit during trial, as well as how the facility dog shall enter and exit the courtroom. Counsel for the defendant, Greg Parzych, has been contacted and does not object to this motion. Pursuant to A.R.S. 13-4442(A), and

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1 prior to the victim taking the stand, the state will supplement this motion with the
2 dog/handler's certification and proof of insurance.

3 Finally, the State notes A.R.S. § 13-4442(c): "[T]he court shall instruct the jury
4 on the role of the facility dog and that the facility dog is a trained animal." The State
5 asks this Court to so instruct the jury.

6 RESPECTFULLY SUBMITTED this 14th day of October, 2021.

7 **WILLIAM P. RING**
8 COCONINO COUNTY ATTORNEY

9
10 By /s/ Bryan Shea
11 Bryan Shea
12 Deputy County Attorney

13 COPY of the foregoing
14 mailed/delivered this
15 14th day of October, 2021,
16 to:

17 The Honorable Dan Slayton
18 Division 2
19 Coconino County Courthouse
20 200 N San Francisco St.
21 Flagstaff, AZ 86001

22 Greg Parzych, Esq.
23 Attorney for the Defendant

24
25 By /s/ Trevon Ferguson
26